

REMARKS

In response to the Office Action dated August 14, 2006, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-3, 9-11 and 17-19 were rejected under 35 U.S.C. § 103 as being unpatentable over Win in view of Official Notice. This rejection is traversed for the following reasons.

Claim 1 recites "establishing an employment indicator for said user; retrieving a user authorization level template in response to said employment indicator." The use of an employment indicator and retrieving an authorization level template in response to the employment indicator is not taught by Win. The Examiner apparently acknowledges this fact, but relies on Official Notice to hold that "these elements are well known in the art of security systems."

As noted in MPEP § 2144.03, it is not appropriate for the Examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not "capable of instant and unquestionable demonstration as being well-known." Applicants submit that the use of an employment indicator as recited in claim 1 is not "capable of instant and unquestionable demonstration as being well-known." The claimed use of the employment indicator is not considered to be common knowledge or well-known in the art as Applicants have no knowledge that such is the case. Applicants traverse the Examiner's reliance on Official Notice for these features and request that the Examiner provide documentary evidence to support reliance on Official Notice, as required by MPEP § 2144.03, or withdraw the rejection.

For at least the above reasons, claim 1 is patentable over Win in view of Official Notice. Claims 2-3 variously depend from claim 1 and are patentable over Win in view of Official Notice for at least the reasons advanced with reference to claim 1.

Claims 9 and 17 recite similar features as claim 1 and are patentable over Win in view of Official Notice for at least the reasons advanced with reference to claim 1. Claims 10-11 and claims 18-19 depend from claims 9 and 17, respectively, and are considered patentable for at least the same reasons.

030088 (BLL-0089)

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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Date: November 14, 2006

030088 (BLL-0089)